

**WILLIAMSBURG  
BOARD OF ZONING APPEALS  
MINUTES**

**November 1, 2005**

The regular meeting of the Williamsburg Board of Zoning Appeals was held on Tuesday, November 1, 2005 at 4:00 p.m. in the Williamsburg Municipal Building, 401 Lafayette Street.

**CALL TO ORDER and ATTENDANCE**

Chairman Knudson called the meeting to order. Present in addition to Mrs. Knudson were Board members Kafes, Carr, Lamson and White. Staff member present was Zoning Administrator Murphy.

**PUBLIC HEARINGS**

**BZA #05-018: Request of Gazebo Partnership for a variance request from Section 21-357 of the Zoning Ordinance to construct a patio addition to Second Street Restaurant at the front property line instead of 10 feet as currently required by the Zoning Ordinance. The property is located at 468-(04)-30-002>8\* and is zoned General Business District B-3. Approved.**

Chairman Knudson introduced the request for a variance and noted four Board members have visited the site:

Knudson, Kafes, Carr and Lamson

Mickey Chohany, Gazebo Partners and Jeff Barra of Toano Design were present to discuss the request. Mr. Barra noted the following:

- Interior changes are proposed to make the restaurant accessible to disabled individuals to include restrooms, floor levels at the bar and different sections of the dining area.
- Floor heights inside the building would be changed from various heights to one uniform height, both interior and the exterior dining area.
- An outdoor dining area is an integral part of restaurants today.
- Removing the curved glass front will remove the Wendy's look of the restaurant resulting in an improvement to the streetscape of Second Street.
- They looked at locating the outdoor dining area on the side of the restaurant, Also a outdoor dining area would make the appearance of the site more consistent with other properties in the area.
- Because the right-of-way is more than ample and other buildings along the street are at the front setback line, the Second Street Restaurant has a hardship since their building is setback further than other businesses.
- The building adjacent to this site towards Page Street is located at the front setback resulting in a hardship for the owners of this property.
- The outdoor dining area would meet side-yard setbacks.

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Mr. Carr asked if the outdoor dining area was a permanent structure with brick columns and slab and expressed concerns regarding the safety of the patio and vehicle traffic along Second Street.

Mr. Barra noted the patio would contain brick columns with the floor of the patio being located about two feet above grade. This would place it above the bumper of cars. He also noted the patio would be located approximately 15 feet from the existing sidewalk.

Mr. Chohany noted the patio area would be more substantial than a planter which is what separates other patio areas around the City from vehicular traffic. He also expressed his desire to improve his property in hopes it would initiate redevelopment along Second Street.

Ms. White noted the City's Comprehensive Plan indicates a desire for redevelopment of the Second Street area and that the applicant is proposing to make the restaurant ADA compliant by making all dining areas at the same level, reconstructing a ramp that is compliant with ADA requirements and potential restroom improvements to make them ADA compliant.

Mr. Barra noted it was a hardship to penalize the applicant due to the varying widths of the right-a-way along Second Street. He said this is the only location for an outdoor dining area on the property, and an outdoor dining area is an integral part of restaurants today.

There being no other comment the public hearing was closed.

On the motion of Mr. Carr, seconded by Mr. Lamson, and which carried by a vote of 5-0, the following resolution was adopted:

WHEREAS, Gazebo Partnership has submitted application **BZA#05-018** requesting a variance from Section 21-357 of the Zoning Ordinance to construct a patio addition at the front setback line; and

WHEREAS, the property is located at 140 Second Street, Williamsburg Tax Map Number 468-(04)-30-002>8\* and is zoned General Business District B-3; and

WHEREAS, the City of Williamsburg Board of Zoning Appeals conducted a public hearing on this request on November 1, 2005; and

WHEREAS, after careful consideration of the pertinent issues subsequent to the public hearing, the Board has determined that a variance can be authorized because the request does comply with Section 21-97 of the Zoning Ordinance because the Board finds:

1. That the strict application of this chapter would produce an undue hardship.
2. That the authorization of such variance would not be of substantial detriment to adjacent property and that the character of the district would not be changed by the granting of the variance.

NOW, THEREFORE, BE IT RESOLVED by the City of Williamsburg Board of Zoning Appeals on this the 1st day of November 2005, that the request of Gazebo Partnership for a variance from the front yard setback requirement for a patio addition on the front of the restaurant, is hereby approved.

Mr. Kafes noted that a hardship exists due to the demand for outdoor seating in restaurants and the property slopes toward the rear, making it difficult for an outdoor dining area to be located in another location on the property.

Ms. White noted the uniqueness of the property in relationship to the right-of-way.

Recorded vote on the motion:

Aye: Knudson, Kafes, Carr, Lamson, White  
No: None  
Absent: None

**BZA #05-019: Request of Frank White for a special exception from Section 21-896 of the Zoning Ordinance to construct an addition to a single-family dwelling five feet from the side property line instead of 10 feet as currently required by the Zoning Ordinance. The property is located at 110 Shirley Avenue, Williamsburg Tax Map Number 434-01-04-021,22 and is zoned Single Family Dwelling District RS-2. Approved.**

Chairman Knudson introduced the request for a special exception and noted all five Board members have visited the site:

Knudson, Kafes, Carr, White and Lamson

Board member Elizabeth White stated that she is not related to the applicant, Frank White.

Frank White, owner presented his request for a special exception noting the space was needed to provide a larger kitchen, closet and bathroom to make it livable for dwelling.

Mr. Kafes asked Mr. White if he planned to build the addition himself.

Mr. White noted he would supervise the construction.

Mr. Carr asked if the property would be owner occupied.

Mr. White noted he currently lives at this location and that most homes on the street are rentals.

On the motion of Ms. White, seconded by Mr. Kafes, which carried by a vote of 5-0, the following resolution was adopted:

WHEREAS, Frank White has submitted application **BZA #05-019** requesting a special exception from Article X, Section 21-896 of the Zoning Ordinance to construct an addition to the existing single family dwelling five feet from the side property line instead of ten feet as currently required by the Zoning Ordinance; and

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WHEREAS, the property is located at 110 Shirley Avenue, Williamsburg Tax Map Number 434-(01)-04-021,22 and is zoned Single Family Dwelling District RS-2; and

WHEREAS, the City of Williamsburg Board of Zoning Appeals conducted a public hearing on this request on November 1, 2005; and

WHEREAS, after careful consideration of the pertinent issues subsequent to the public hearing, the Board has determined that the request fulfills the provision of Section 21-896 that states "The Board of Zoning Appeals may approve, as a special exception in accordance with Section 21-97(f), the enlargement of an existing legally nonconforming building that does not meet the yard regulations of the zoning district in which it is located. The yards provided for the addition shall not be less than the adjacent nonconforming yards."

NOW, THEREFORE, BE IT RESOLVED by the City of Williamsburg Board of Zoning Appeals on this the 1st day of November, 2005 that the request of Frank White **is hereby approved.**

Recorded vote on the motion:

Aye: Knudson, Kafes, Carr, Lamson, White

No: None

Absent: None

**OLD BUSINESS** – None

**NEW BUSINESS** – None

## **MINUTES**

The minutes of the September 6, 2005 meeting were approved with changes approved at the meeting to reflect the transcript being added for BZA #05-015. The minutes of the October 4, 2005 meeting were approved as presented.

Recorded vote on the motion:

Aye: Knudson, Kafes, Carr, Lamson, White

No: None

Absent: None

There being no further business the meeting adjourned at 4:35 p.m.

Respectfully submitted,

Judith Knudson, Chairman  
Board of Zoning Appeals